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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,155	02/04/2002	Yoshinobu Shiraiwa	03500.016155.	9159
5514 7590 07/30/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
HUNTSINGER, PETER K				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
07/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/061,155

Applicant(s)

SHIRAIWA, YOSHINOBU

Examiner

Peter K. Huntsinger

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51 and 53-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/19/08 has been entered.

Response to Arguments

2. Applicant's arguments filed 5/19/08 have been fully considered but they are not persuasive.

The applicant argues on page 10 of the response in essence that:

Shiohara '553, Miller '687 and Kobayashi '717 do not disclose a display control unit that displays a print setting screen in accordance with a first designation to display a menu for instructing execution of a printing operation to an external printer, as a default menu selected in the displayed print setting screen, the print setting screen being arranged so as to display the menu and another menu, or a printing control unit for instructing the external printer to print the image displayed by the display apparatus, in response to a second designation provided to a single manually operable designating unit successively to the first designation, without requiring any other manual operation performed on the image pickup apparatus between the first and second.

a. Shiohara '553 discloses wherein said display control unit displays the print setting screen in accordance with the first designation to display a menu for instructing execution of a printing operation to the external printer, as a default menu selected in the displayed print setting screen (Fig. 7b, col. 8, lines 48-57, displays output method specification menu); and wherein the print condition displayed in the print setting screen can be selected by operation of an operation member different from said single manually operable designating unit, while said display control unit is causing the display apparatus to display the print setting screen (col. 8-9, lines 63-67, 1-7, buttons 18 and 19 used to increment and decrement the number of print sheets. If the user presses button 17 or 18, the output unit is set. The user is able to utilize button 17 for switching to the print setting screen and for printing and button 18 for setting the parameters or vice versa). Kobayashi '717 discloses the print setting screen being arranged so as to display the menu and another menu (Fig. 5A and B, col. 4-5, lines 61-67, 1-7, menu screen has camera menu and print menu).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 51, 54, 55, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiohara '553 in view of Miller '687 and Kobayashi '717.

Referring to **claim 51**, Shiohara '553 discloses an image pickup apparatus comprising: an image pickup unit for obtaining a digital image (col. 4, lines 4-6, CCD 2 for converting image pickup light);

an interface for connecting to a storage medium which stores the digital image obtained by said image pickup unit (col. 4, lines 6-9, signal processing section 3 outputs processed signal to frame memory 6);

a reproducing unit for reading out the digital image stored in the storage medium via said interface and causing a display apparatus to display the read-out image (col. 4, lines 35-37, frame memory 6 used as image display memory of LCD 16);

an operation unit for effecting a changeover operation of an image to be displayed on the display apparatus (Fig. 7(b));

a single manually operable designating unit for designating the image displayed on the display apparatus as a print subject for a printer communicating with said image pickup apparatus (button 17 or 18 of Fig. 7(b), col. 8, lines 48-51, if user presses either button 17 or 18, the print image selection means 453 assumes the candidate image to be selected);

a display control unit for causing the display apparatus to display a print setting screen for displaying a print condition determined in advance, in accordance with a first designation provided to said single manually operable designating unit when said image pickup apparatus is in a state in which an image to be displayed on the display

apparatus is changeable in accordance with an operation of said operation unit (col. 8, lines 48-57, displays output method specification menu); and

a printing control unit for instructing the external printer to print the image displayed by the display apparatus, in response to a second designation provided to said single manually operable designating unit successively to the first designation (col. 9, lines 46-55, if the user presses button 17 or 18, the output unit is set. The user is able to utilize button 17 for switching to the print setting screen and for printing and button 18 for setting the parameters or vice versa),

wherein said display control unit displays the print setting screen in accordance with the first designation to display a menu for instructing execution of a printing operation to the external printer, as a default menu selected in the displayed print setting screen (Fig. 7b, col. 8, lines 48-57, displays output method specification menu); and

wherein the print condition displayed in the print setting screen can be selected by operation of an operation member different from said single manually operable designating unit, while said display control unit is causing the display apparatus to display the print setting screen (col. 8-9, lines 63-67, 1-7, buttons 18 and 19 used to increment and decrement the number of print sheets).

Shiohara '553 does not disclose expressly printing without requiring any other manual operation performed between the first and second designations.

Miller '687 discloses printing without requiring any other manual operation performed on the image pickup apparatus between the first and second designations

(col. 4, lines 39-50, user presses Report key 74 a second time to print-out the last transaction).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to enable automatic printing with the second designation of a button. The motivation for doing so would have been to reduce the operator input and increase user friendliness.

Shiohara '553 discloses wherein the print setting screen is arranged so as to display a menu for instructing execution of a printing operation (Fig. 7(b), but does not disclose expressly another menu.

Kobayashi '717 discloses the print setting screen being arranged so as to display the menu and another menu (Fig. 5A and B, col. 4-5, lines 61-67, 1-7, menu screen has camera menu and print menu).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to include another menu on a camera. The motivation for doing so would have been to provide addition options for the user to customize. Therefore, it would have been obvious to combine Miller '687 and Kobayashi '717 with Shiohara '553 to obtain the invention as specified in claim 51.

Referring to **claim 54**, see the rejection of claim 51 above.

Referring to **claim 55**, Kobayashi '717 discloses wherein a print setting screen is arranged so as to display a menu for instructing execution of a printing operation, and another menu, the menu for instructing execution of the printing operation being

selected as a default menu in the displayed print setting screen (Fig. 5A and B, col. 4-5, lines 61-67, 1-7, menu screen has camera menu and print menu).

Referring to **claim 57**, see the rejection of claim 51 above.

Referring to **claim 58**, see the rejection of claim 51 above.

5. Claims 53 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiohara '553, Miller '687 and Kobayashi '717 as applied to claim 51 and 54 above, and further in view of Hatakenaka '542.

Referring to **claim 53**, Shiohara '553 discloses a print setting screen but does not disclose expressly a selection item of cancellation.

Hatakenaka '542 discloses a selection item of cancellation (END of Fig. 4A, col. 6, lines 38-42).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to provide a cancellation item in a menu. The motivation for doing so would have been to allow the user to stop an unwanted action. Therefore, it would have been obvious to combine Hatakenaka '542 with Shiohara '553, Miller '687 and Kobayashi '717 to obtain the invention as specified in claim 53.

Referring to **claim 56**, see the rejection of claim 53 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K Huntsinger/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625